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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,467	05/17/2005	Salvatore Massimino	05041	4887
23338 7590 09/28/2007 DENNISON, SCHULTZ & MACDONALD 1727 KING STREET SUITE 105 ALEXANDRIA, VA 22314			EXAMINER PARSLEY, DAVID J	
			ART UNIT 3643	PAPER NUMBER
			MAIL DATE 09/28/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/528,467	<b>Applicant(s)</b> MASSIMINO, SALVATORE	
	<b>Examiner</b> David J. Parsley	<b>Art Unit</b> 3643	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3-21-05</u> . | 6) <input type="checkbox"/> Other: _____  |

## **Detailed Action**

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it ends in an implied statement.

Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

2. Claims 18-19 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 18-19 have not been further treated on the merits.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2 does not indicate which claim it depends from as seen in line 1.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11, 17 and 20-21 are rejected under 35 U.S.C. 102(b) as being anticipated by

U.S. Patent No. 5,794,375 to Wright.

Referring to claims 1 and 21, Wright discloses a securing device for securing a line and/or fishing tackle to a fishing rod, the securing device comprising, a body – see figures 3-4 and 6-7, a first aperture in the body – see at 36,40,56,54,66,68, adapted to engage a fishing rod – see figures 1-7, and a second aperture in the body – at any other of 36,40,54,56,66,68, adapted to releasably engage a fishing line and/or an item of terminal tackle – see figures 1-7 where the apertures are of sufficient size to be capable of receiving a fishing line, wherein the body is adapted to provide compression of the second aperture as a result of expansion of the first aperture – see the orientation of the apertures in figures 3-4 and 6-7.

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Referring to claim 2, Wright discloses the body is formed with an upper surface and a lower surface – see figures 3-4 and 6-7, and a side wall continuous with the upper and lower surfaces – see figures 3-4 and 6-7.

Referring to claim 3, Wright discloses the body is substantially cylindrical in shape – see figures 3-4 and 6-7.

Referring to claim 4, Wright discloses the first aperture and the second aperture are formed as invaginations of the side wall – see figures 3-4 and 6-7, the apertures providing through holes from the upper to the lower surface – see figures 3-4 and 6-7.

Referring to claim 5, Wright discloses the first aperture is adapted to releasably engage the fishing rod and is formed as a slotted bore – see at 36,40,54,56,66,68 in figures 3-4 and 6-7.

Referring to claim 6, Wright discloses the bore is substantially cylindrical and is located adjacent an outer perimeter of the body – see at 36,40,54,56,66,68 in figures 3-4 and 6-7.

Referring to claim 7, Wright discloses the edges of the slot are resiliently deformable to allow passage of a rod shaft into the aperture – see figures 3-4 and 6-7 and column 2 lines 64-67 and column 3 lines 1-63.

Referring to claims 8/1, 8/2, 8/3, 8/4, 8/5, 8/6, 8/7, Wright discloses the second aperture is spaced from and diametrically opposite the first aperture – see at 36,40,54,56,66,68 in figures 3-4 and 6-7.

Referring to claim 9, Wright discloses the second aperture is formed as a second bore interconnecting the upper and lower surfaces – see at 36,40,54,56,66,68 in figures 3-4 and 6-7.

Referring to claim 10, Wright discloses the second aperture is slotted with the slot dimensioned to permit passage of a fishing leader or line – see at 36,40,54,56,66,68 in figures 3-

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4 and 6-7, where the slotted apertures are of sufficient size to be capable of receiving a fishing leader or line.

Referring to claim 11, Wright discloses the second aperture is configured substantially cylindrically – see at 36,40,54,56,66,68 in figures 3-4 and 6-7.

Referring to claim 17, Wright discloses three or more apertures – at 36,40,54,56,66,68 in figures 3-4 and 6-7, wherein at least two of the apertures are adapted to receive different sized rods or sections of a rod – see figures 3-4 and 6-7, and one aperture is adapted to releasably engage a fishing line and/or terminal tackle – see figures 3-4 and 6-7, where the apertures are of sufficient size to be capable of receiving a fishing line or terminal tackle.

Referring to claim 20, Wright discloses a kit comprising two or more securing devices formed according to claim 1 above – see claim 1 above, each of the two or more securing devices formed for use on a rod of a different size to that of the each of the other securing devices – see figures 1-6.

Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,425,150 to Braese.

Referring to claim 21, Braese discloses a method of restraining a fishing leader or item of terminal tackle, the method comprising the steps of placing a first aperture – at 11 or 18, in engagement with a fishing rod – see figures 1-3, placing a terminal fishing leader and/or item of terminal tackle in a second aperture – at 17 or 33 – see figure 1, of the line securing device and sliding the securing device in a direction of increasing rod shaft diameter to thereby compress the second aperture into restraining contact with the fishing leader and/or item of terminal tackle – see at 17 and 33 in figures 1-2.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright as applied to claim 10 above, and further in view of U.S. Patent No. 4,667,433 to Thompson.

Referring to claim 12, Wright does not disclose the wall defining the second aperture has sloping side walls substantially in the form of a transected cone. Thompson does disclose the wall defining the second aperture has sloping side walls substantially in the form of a transected cone – see at the interior of 38 in figures 6 and 9. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Wright and add the sloping sidewalls of the aperture of Thompson, so as to allow for the walls of the aperture to secure item(s) within the aperture.

Referring to claim 13, Wright as modified by Thompson further discloses the second aperture includes a seat – see at the interior of 38 in figures 6 and 9 of Thompson. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Wright and add the aperture of Thompson, so as to allow for the walls of the aperture to secure item(s) within the aperture.

Referring to claim 14, Wright as modified by Thompson further discloses a plurality of ridges – see the ridges on the interior of 38 in figures 6 and 9 of Thompson. Therefore it would

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have been obvious to one of ordinary skill in the art to take the device of Wright and add the aperture of Thompson, so as to allow for the walls of the aperture to secure item(s) within the aperture.

Referring to claim 15, Wright as modified by Thompson further discloses the seat comprises one or more shoulders formed in the wall of the second aperture – see at the interior of 38 in figures 6 and 9 of Thompson. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Wright and add the aperture of Thompson, so as to allow for the walls of the aperture to secure item(s) within the aperture.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wright as applied to claim 1 above, and further in view of U.S. Patent No. 3,113,363 to Fyvie.

Referring to claim 16, Wright does not disclose the body is formed of polyvinyl chloride, polyethylene or polyurethane. Fyvie does disclose the body – at 15, is formed of polyethylene – see column 2 lines 59-67. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Wright and add the polyethylene body of Fyvie, so as to allow for the device to be both durable and lightweight.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to fishing rod securing devices in general:



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U.S. Pat. No. 309,028 to Byington – shows rod and tackle connector

U.S. Pat. No. 2,197,358 to Benson – shows rod connector

U.S. Pat. No. 2,816,393 to Kmonk – shows rod connector

U.S. Pat. No. 2,880,546 to Pemberton – shows rod connector

U.S. Pat. No. 3,169,290 to Snodgrass – shows rod connector

U.S. Pat. No. 3,421,248 to Kennedy – shows rod connector

U.S. Pat. No. 4,707,892 to Nelson – shows rod connector

U.S. Pat. No. 4,873,780 to Lancette – shows rod and line connector

U.S. Pat. No. 6,021,597 to Lajoie – shows rod connector

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Parsley whose telephone number is (571) 272-6890.

The examiner can normally be reached on Monday-Friday from 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
DAVID PARSLEY  
PRIMARY EXAMINER